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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,141	08/23/2001	Steven Phillip Gologoraky	620-020us (IBT 20)	1711
22897	7590	10/04/2006		
DEMONT & BREYER, LLC SUITE 250 100 COMMONS WAY HOLMDEL, NJ 07733			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains disclosed species in the specification, the following patently distinct five species identified as:

(1) A method of conducting an auction including the steps of determining with bid variables and withholding bidder identify until bids are processed.

(2) A method of conducting an auction including the steps of determining which bids are less advantageous to an auction solicitor.

(3) A method of conducting an auction including the steps of receiving sealed bids in behalf of an auction solicitor, ranking the advantageousness of each bid to the auction solicitor, outputting the ranking results to the bidders, and withholding the contents of the sealed bids from competing bidders until bidders have submitted revised bids.

(4) A method of conducting a plurality of auctions including the steps of receiving a bid package and determining bid variables for a second auction based on the outcome of winning or not winning of a first auction.

(5) A method of conducting an auction including the steps of receiving a bid for all of a scope, receiving a first plurality of bids for a portion of a scope and in aggregate for all of a scope, receiving a second plurality of bids for all of a scope for a portion of a scope and in aggregate for all of a scope, ranking the advantageousness to an auction solicitor and outputting which bid wins.

Inventions 1-5 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions can be used separately, contain different modes of operation and have different effects.

The inventions differ in various terms. Species one is for an auction with bid variables. Species two includes an auction solicitor. Species three includes sealed bids and an auction solicitor. Species four makes a second auction bids contingent on the outcome of a first auction. Species five includes the use of various levels of fulfilling a scope, from partial to aggregate.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patently distinct, applicant should submit evidence or identify such now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 USC 103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

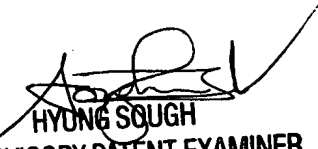
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600